

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTWINE COLEMAN,

*Plaintiff,*

v.

THYSSENKRUPP ELEVATOR  
CORPORATION,

and

PHILADELPHIA VETERANS AFFAIRS  
MEDICAL CENTER,

*Defendants.*

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Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant 28 U.S.C. § 1442(a)(1), defendant United States of America removes this action to the United States District Court for the Eastern District of Pennsylvania. In support, the United States avers as follows:

1. This is a tort action against the Philadelphia Veterans Affairs Medical Center and Thyssenkrupp Elevator Corporation for alleged injuries sustained by the Plaintiff as a result of an elevator malfunction at the Philadelphia Veterans Affairs Medical Center.

2. Plaintiff commenced this suit on or about May 19, 2022, by filing a complaint in the Common Pleas Court of Philadelphia County, Pennsylvania. Plaintiff then filed a Praeceptum to Reinstate the complaint on June 28, 2022. A copy of the complaint and praecipe is attached hereto as Exhibit 1.

3. Any civil action commenced in state court against the United States or any agency thereof may be removed to the United States District Court for the District in which the state

court action is pending. 28 U.S.C. § 1442(a)(1) (a state court action is removable by “any officer of the United States or any agency thereof” when it is “for any act under color of such office”).

4. To serve a United States agency, such as the Veteran’s Administration, plaintiff must deliver a copy of the summons and the complaint to the United States Attorney for the district where the action is brought and send the complaint and summons by registered or certified mail to the Attorney General of the United States. Fed. R. Civ. P. 4(i). Plaintiff has not served the summons and complaint on the United States Attorney or the United States Department of Justice.

5. Nevertheless, we are removing the case within the thirty-day period of the Veteran’s Administration receiving the complaint, consistent with 28 U.S.C. § 1446(b)(1). *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice is being filed with the Common Pleas Court of Philadelphia County, Pennsylvania.

7. No bond is required to accompany this Notice because it is being filed on behalf of the United States.

8. In accordance with 28 U.S.C. § 1446(a), this Notice of Removal is signed under Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, pursuant to 28 U.S.C. § 1442(a)(1), the aforesaid action is removed from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

Respectfully Submitted,

JACQUELINE C. ROMERO  
United States Attorney

/s/ Susan Becker for GBD  
GREGORY B. DAVID  
Assistant United States Attorney  
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/s/ Deborah W. Frey  
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Dated: September 7, 2022

**CERTIFICATE OF SERVICE**

I hereby certify, I served a true and correct copy of the foregoing Notice of Removal, with exhibits, by First-class mail, postage prepaid, on the following:

Raphael F. Castro, Esq.  
Law Offices of Eric A. Shore  
2 Penn Center, Suite 1240  
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*Attorney for Plaintiff*

Dated: September 7, 2022

/s/ Deborah W. Frey  
DEBORAH W. FREY  
Assistant United States Attorney